

Opinion of the Court.

THE CHIEF JUSTICE This is an appeal from a decree of the Circuit Court of the United States for the Northern District of California in a proceeding under the act of Congress of February 25, 1885, entitled "An act to prevent unlawful occupancy of the public lands," 23 Stat. 321, c. 149, whereby appellant was directed to remove a fence and enclosure from certain sections of land therein described, in default of which it was decreed that the same should be destroyed by the marshal for said district. The value of the fence was claimed to exceed \$5000, but the fence was not the matter in dispute, nor was the appellant deprived thereof. For want of the jurisdictional amount, *Cameron v United States*, 146 U. S. 533, the appeal must be

Dismissed.

UNITED STATES v. JONES.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF LOUISIANA.

No. 262. Submitted April 24, 1893. — Decided May 1, 1893.

A bill of exceptions signed after the final adjournment of the court for the term, without an order extending the time for its presentation, or the consent of parties thereto, or a standing rule authorizing it to be done, is improvidently allowed, and when the errors assigned arise upon the bill, the judgment will be affirmed.

THE case is stated in the opinion.

Mr Assistant Attorney General Parker for plaintiffs in error.

Mr T Alexander and *Mr N C. Blanchard* for defendants in error

THE CHIEF JUSTICE Judgment was rendered in this case July 18, the writ of error sued out and allowed July 23, and the court adjourned for the term, July 30, 1889. So far as

Statement of the Case.

disclosed by the record the bill of exceptions was not tendered to the judge or signed by him until October 7, 1889, and no order was entered extending the time for its presentation, nor was there any consent of parties thereto, nor any standing rule of court which authorized such approval. The bill of exceptions was therefore improvidently allowed. *Müller v Ehlers*, 91 U. S. 249, *Jones v Grover & Baker Sewing Machine Co.*, 131 U. S. Appx. cl, *Michigan Insurance Bank v Eldred*, 143 U. S. 293. As the errors assigned arise upon the bill of exceptions, we are compelled to affirm the judgment, and it is so ordered.

Affirmed.

NASH v. HARSHMAN.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF OHIO.

No. 957. Submitted April 17, 1893. — Decided May 1, 1893.

This case is dismissed upon the authority of *Hohorst v. Hamburg-American Packet Co.*, 148 U. S. 262.

THIS action was commenced in the court of common pleas of Logan County, Ohio, to foreclose a mortgage made by Nash to Harshman of real estate then owned by him, and conveyed by him to one Dupee after the execution of the mortgage. Nash and Dupee were both made defendants. After issue joined the cause was removed to the Circuit Court of the United States on the defendants' motion, on the ground of local prejudice. Trial was had there which resulted in a decree, December 4, 1890, against Nash for the payment of the debt, and against Dupee for the sale of the land on failure of Nash to make the payment within ten days from the decree. On the 11th of December, Nash took an appeal to this court, which was allowed, and a receiver was appointed to take possession of the estate and hold and manage it pending the appeal. The appellee moved to dismiss the appeal or affirm the judgment, assigning the following reasons therefor